

Exhibit I



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

MEMORANDUM

FROM: Karen Bellamy, Director, Inmate Grievance Program
SUBJ: Receipt of Appeal

██████████ 10/19/2015
Green Haven Correctional Facility
Your grievance GH-79241-15 entitled
Verbal Harassment/Withholding Meals
was rec'd by CORC on 10/2/2015

A disposition will be sent to you after the grievance is reviewed by CORC
The Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050 | (518) 457-8126 | www.doccs.ny.gov

HISTORICAL GRVCS 000079

CHRYSTEN HEAVEN CORRECTIONAL FACILITY
CLASSIFIED BY & RECORDED

GRIEVANCE NUMBER: GH 79241-15

NAME: [REDACTED]

DIN: [REDACTED]

TITLE: VERBAL HARASSMENT / Withholding meals

GH CODE: 49 INSTITUTIONAL / DEPARTMENTAL I

DATE FILED: 3-13-15

HEARING DATE: PT 3/13/15

SUPT. DATE: 4-13-15

APPEAL DATE: 5-21-15

INVESTIGATIVE INFORMATION

IGRC INVESTIGATION DATE: _____

FACILITY POLICY #: _____

CAPTION DATE: _____

SUPERVISOR DATE: _____

EMPLOYEE DATE: _____

PRIOR CORC: _____

OTHER: _____

IGP SUPERVISOR'S SIGNATURE: M. Stancany

DATE: 8/29/15

HISTORICAL GRVCS 000080



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

GRIEVANCE CASE HISTORY AND RECORD GREEN HAVEN CORRECTIONAL FACILITY

GRIEVANCE NUMBER: GH79241-15

NAME:



DIN:



TITLE: Verbal Harassment/Withholding Meals

CODE: 49

Description of Problem:

Date: 3-13-15

The grievant complains officer has engaged in continuous acts of harassment against him and who's attitude demonstrates unprofessionalism.

Action Requested: Grievant requests that the officer conduct himself in compliance with DOCCS rules and regulations.

IGRC Recommendation:

Date: 3-13-15

Passed through to Superintendent

Superintendent Response:

Date: 4-13-15

According to the investigation the grievant was interviewed by Sgt. M on 4/2/15. The grievant offered no witness to be interviewed. The grievant offered nothing to further his written complaint. Copies of the go-around have been obtained. There is no indication that the grievant did not receive what was requested. The officer named in this complaint (CO N) was interviewed by Sgt. M and a written statement has been obtained. The officer states that inmates are released from their cells based on what they request on the go-around. The officer denies the grievant's allegations of harassment. According to the investigation the grievant's allegations could not be substantiated. *** Grievance is denied only to the extent noted above.

Appeal to CORC:

Date: 5-19-15

The grievant appeal is being submitted late on behalf of an incident that took place on 4-21-15 as well as being placed in SHU with no access to property.



STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
GREEN HAVEN CORRECTIONAL FACILITY
594 RT. 216
STORMVILLE, NY 12582

ANTHONY J. ANNUCCI
ACTING COMMISSIONER

THOMAS R. GRIFFIN
SUPERINTENDENT

MEMORANDUM

TO: Superintendent Griffin
FROM: L. Stanaway, IGP Supervisor
SUBJECT: Initial Superintendent Review of Grievance Coded 49 – Staff Misconduct

DATE: 3/16/15

Grievant's Name: [REDACTED] DIN [REDACTED] Loc. [REDACTED]

GRIEVANCE NUMBER: GH 79241-15

Attached is a grievance that has been coded as a 49 – Staff Misconduct. Please review within 24 hours, and note your findings:

Superintendent Initial: [Signature]

Date Reviewed: _____



____ I concur with the filing of this grievance as being coded 49.
An investigation by _____ can proceed.

____ I DO NOT concur with the filing of this grievance as being coded 49.
The following action should be taken:

____ This incident has been previously or is currently being investigated
By _____

Please return the attached to the IGP Supervisor.

Thank you.

Grievant [REDACTED]	Number [REDACTED]	Cell [REDACTED]
 <p>State of New York Department of Corrections and Community Supervision</p> <p>Inmate Grievance Program</p>	Grievance Number 79241-15	Date Filed 3/13/2015
	Title VERBAL HARASSMENT/WITHOLDING MEALS	Code 49
	Superintendent's Signature 	Date 4-13-15

The grievant complains of harassment.

According to the investigation the grievant was interviewed by Sgt. M on 4/2/15. The grievant offered no witness to be interviewed. The grievant offered nothing to further his written complaint. Copies of the go-arounds have been obtained. There is no indication that the grievant did not receive what was requested.

The officer named in this complaint (CO N) was interviewed by Sgt. M and a written statement has been obtained. The officer states that inmates are released from their cells based on what they request on the go-arounds. The officer denies the grievant's allegations of harassment.

According to the investigation the grievant's allegations could not be substantiated.

*** Grievance is denied only to the extent noted above.

Appeal Statement

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C.

Appeal is being submitted late on behalf of an incident
that took place on 4/11/15 as well being placed in solitary
with no access to property.


Grievant's Signature

5/19/15
Date


Grievance Clerk's Signature

5/21/15
Date

NAME: [REDACTED]
DIN: [REDACTED]
DATE - 5-19-15

I AM APPEALING THIS GRIEVANCE IN REGARDS
THAT THIS WAS A CONSTANTLY OF CONTINUOUS HARASSMENT
AND DISREGARD OF ME GIVEN TO THE MESSHALL.

THIS GRIEVANCE WAS NOT RESOLVED AND
ACCURATE TO BE DENIED IF THE DISREGARD OF
RULES AND REGULATIONS OF EMPLOYEE MANUAL 2.10,
2.8, 101.3, 102.1 AND EIGHTH AMENDMENT WAS VIOLATED
CONTINUOUSLY.

RESPECTFULLY

THIS GRIEVANCE appeal is being
submitted late on behalf of an
incident that occurred on 4/21/15
IN WHICH I WAS PLACED IN SH,
WITH NO ACCESS TO PROPERTY

HISTORICAL GRVCS 000084

10/21/15

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
INMATE GRIEVANCE COMPLAINT

Grievance No.

79241-15

Green Haven

CORRECTIONAL FACILITY

Date: February 27, 2015

Name: [REDACTED]

Dept. No.: [REDACTED]

Housing Unit: [REDACTED]

Program: [REDACTED]

AM [REDACTED]

PM [REDACTED]

(Please Print or Type - This form must be filed within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible)

See attached

Grievant
Signature: [REDACTED]

Grievance Clerk: _____

Date: _____

Advisor Requested

☐ YES☒ NO

Who: _____

Action requested by Inmate: _____

See attached

The Grievance has been formally resolved as follows:

MAR 4 3 2015

This Informal Resolution is accepted:
(To be completed only if resolved prior to hearing)Grievant
Signature: _____

Date: _____

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

* An exception to the time limit may be requested under Directive #4040, section 701.6(g).

HISTORICAL GRVCS-006085

#79241-15

Name: [REDACTED]
Din: [REDACTED] ITU: [REDACTED]
Date: February 27, 2015

MAR 13 2015

This Grievance is being submitted to complain about the acts and actions of Correction Officer Naggie, who has engaged in continuous acts of Harassment against me and who's attitude has demonstrated that there is some reason to question whether he should be employed in the capacity of D.O.C.C.S.

On February 24, 2015, I [REDACTED], came back from the west side mess hall and locked in my cell. Shortly thereafter Correction Officer Naggie, came to my cell and verbally disrespected me for no apparent reason, he started shouting in a loud tone, accusing me of eye balling someone in the mess hall. I then asked Correction Officer Naggie, what is he talking about (?) Correction Officer then said listen to me you fucking Spic, if you do it again it's going to be a problem.

On the following day February 25, 2015, [REDACTED] Block on [REDACTED] company during the go-around (11:00am) Correction Officer Naggie, approached my cell [REDACTED], I informed him that I would like chow and J-school; Correction Officer Naggie, shouted at me and said as long as I'm here you will not be going to the mess hall. I inquired with correction Officer Naggie, why can't I go to the mess hall to eat(?) he then clearly stated because I fucking said so. I then mentioned to correction Officer Naggie, that if your not going to allow me to go to the mess hall, Please provide me with a feed-up tray. Correction Officer Naggie, then stated your not getting shit.

On February 26, 2015, Correction Officer Naggie, did the go-around again on [REDACTED] company. As Correction Officer Naggie, approached my cell [REDACTED], I informed him that I wanted chow and J-school, Correction Officer Naggie, verbally disrespected me by stating what part don't you understand you stupid fucking Spic, just like I told you yesterday when ever I'm working your not going to the fucking mess hall, nor are you getting a feed-up tray. I then mentioned to Correction Officer Naggie, that I would like to see a sergeant, Correction Officer Naggie, then stated your not seeing any fucking body, now shut the fuck up.

On February 27, 2015, correction Officer Naggie, did the go-around again on [REDACTED] company. I informed correction officer Naggie, to please put me down for chow and J-school. Shortly thereafter correction officer Naggie, stated to me that all you mother fuckers are all the same stupid and a waste of a human being. I then stated to correction officer Naggie, to please call the area sergeant, correction officer Naggie, then said shut the fuck up and stop crying like a fucking baby. if you don't like what I'm doing then don't come to jail.

The following are violation committed by Correction officer Naggie,

EIGHTH AMENDMENT RIGHT; Cruel and Unusual Punishment Inflicted, I was denied to go the mess hall to eat, and I was not provided a meal to eat.

2.12 - Language; Employees' Manual

An employee shall refrain the use of indecent, profane, or abusive language or gestures while on duty or on state property.

2.8 - Non-Discrimination

No employee shall discriminate against any person on the basis of race, creed, color, age, sex, sexual orientation, national origin, marital status, or disability.

101.3 - Knowledge of Rules

Every employee shall have a working knowledge of the contents of the Employees' Manual with Department and Institution of office rules, regulations, Directives and procedures, and Laws of the state of new York which have bearing upon his power and duties.

102.1 - Personal Conduct

An employee shall not knowingly or willingly violate any law or ordinance of the United States or the State of New York or any rule or regulation of the Department.

ACTION REQUESTED:

1. That a copy of this Grievance be sent to the office of Diversity Management; Inspector General Office, The Deputy Commissioner of D.O.C.C.S., and the Hub Superintendent.
2. That a proper Investigation be conducted with this Grievance pursuant to Directive #4040, #2110 - #2112;
3. No retaliation against me for good faith utilization of the Grievance Mechanism cease and desist from unlawful Racial Discrimination;
4. For Correction Officer Naggie, to conduct himself in compliance with his rules and regulations and act professionally while on State property;
5. I have a First Amendment Constitutional Right to submit a Grievance / Complaint against an officer who has violated my rights in any manner. The United States Supreme Court has made a ruling that prison guards must follow in order to perform his/her professional responsibility within D.O.C.C.S.

This is to inform you that once Correction Officer Naggie, finds out about this grievance he is going to retaliate or have one of his corrupted partners within █-Block or throughout the facility, to plant weapons or drugs in my cell when I'm not there, or stop me in the walkway / hallway while on my way to program, mess hall, yard, when no other inmates are around and plant drugs or weapons on me, or try to physically assault me.....



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

To: I.G.R.C. supervisor

From: Sgt. P. Moreau

Subject: G.H. 79241-15 [REDACTED]

Date: 4/2/15

On 4/2/15 Inmate [REDACTED] was interviewed by me
In reference to G.H. 79241-15 in the counseling area of building
2 at approximately 8:45 A.M. Inmate [REDACTED] stated to me that he
had no witnesses to offer for interview purposes and that what
he put on paper is what his grievance is. At this point there is
nothing to add to the complaint. The Go arounds were checked
and inmate [REDACTED] is on the Go arounds for the things he claims
he asked for. Officer Nagy denies all accusations against him and his
written answer is attached. There is no way to prove that Inmate
[REDACTED] did not receive what he asked for on the Go Around.

Respectfully Submitted:

Sgt. P. Moreau

Sgt. P. Moreau



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

To: I.G.R.C. supervisor

From: Sgt. P. Moreau

Subject: G.H. 79241-15 [REDACTED]

Date: 4/2/15

On 4/2/15 Inmate [REDACTED] was interviewed by me
In reference to G.H. 79241-15 in the counseling area of building
2 at approximately 8:45 A.M. Inmate [REDACTED] stated to me that he
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nothing to add to the complaint. The Go arounds were checked
and inmate [REDACTED] is not on the Go arounds for the things he claims
he asked for. Officer Nagy denies all accusations against him and his
written answer is attached.

Respectfully Submitted:

Sgt. P. Moreau



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

To: SGT MOREAU

From: CORRECTION OFFICER M. NABY

Subject: GRIEVANCE #79241

Date: 3-30-15

SIR,



IN RESPONSE TO THIS GRIEVANCE, I OFFICER NABY DO NOT RECALL SPEAKING TO THIS INMATE. I DON'T RECALL HAVING ANY ISSUE AND DON'T KNOW WHAT THIS INMATE IS ALLEGING. I DIDN'T USE ANY DISCRIMINATORY OR VULGAR LANGUAGE, NOR DO I RECALL HAVING ANY CONVERSATION WITH HIM. REGARDING THE ALLEGATIONS OF CHOW I DIDN'T REFUSE HIM HIS CHOW. INMATES ARE RELEASED FROM THEIR CELLS BASED ON WHAT THEY REQUEST DURING THE "GO ROUND".

RESPECTFULLY SUBMITTED,
C.O. M. NABY

Grievant

Number

Cell

 State of New York Department of Corrections and Community Supervision Inmate Grievance Program	Grievance Number 79241-15	Date Filed 3/13/2015
	Title VERBAL HARASSMENT/WITHOLDING MEALS	Code 49
	Superintendent's Signature 	Date 4-13-15

The grievant complains of harassment.

According to the investigation the grievant was interviewed by Sgt. M on 4/2/15. The grievant offered no witness to be interviewed. The grievant offered nothing to further his written complaint. Copies of the go-arounds have been obtained. There is no indication that the grievant did not receive what was requested.

The officer named in this complaint (C O N) was interviewed by Sgt. M and a written statement has been obtained. The officer states that inmates are released from their cells based on what they request on the go-arounds. The officer denies the grievant's allegations of harassment.

According to the investigation the grievant's allegations could not be substantiated.

*** Grievance is denied only to the extent noted above.

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Grievant's Signature

Date

Grievance Clerk's Signature

Date

 Corrections and Community Supervision ANDREW M. CUOMO Governor ANTHONY J. ANNUCCI Acting Commissioner	Grievance Number GH-79241-15	Desig./Code I/49	Date Filed 3/13/15
	Associated Cases		Hearing Date 11/4/15
	Facility Green Haven Correctional Facility		
INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE		Title of Grievance Verbal Harassment/Withholding Meals	

GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby accepted only to the extent that CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that Officer N... denies threatening or discriminating against the grievant or using inappropriate language, and states that he is permitted to go to the messhall and J-School when he requests it during the go around. In addition, it is noted that he does not recall if the grievant requested to speak to a sergeant on 2/26/15 or 2/27/15. CORC has not been presented with sufficient evidence to substantiate malfeasance by staff.

CORC notes that Directive #4040, Section 701.6 (b) states, in part, that no reprisals of any kind shall be taken against an inmate or employee for good faith utilization of this grievance procedure. An inmate may pursue a complaint that a reprisal occurred through the grievance mechanism. CORC also notes that a copy of the instant complaint was forwarded to the Office of Diversity Management in accordance with Section 701.9 of this directive.

In regard to the grievant's appeal, CORC asserts that a proper investigation has been conducted and notes that he has since been transferred. CORC advises him to address security matters to an area supervisor at the time of the incident for the most expeditious means of resolution.

RAS/
